

Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner

Sessions
Shadegg
Shays
Shinkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi

Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—20

Allen
Boswell
Graves
Gutierrez
Hinojosa
Hulshof
Jones (OH)

Keller
Lungren, Daniel
E.
Marchant
Mollohan
Moore (WI)
Pryce (OH)

Reynolds
Rush
Ryan (OH)
Smith (TX)
Sutton
Wexler
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1342

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. MOORE of Wisconsin. Mr. Speaker, on rollcall No. 74, had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. HINOJOSA. Mr. Speaker, on rollcall Nos. 73 and 74, had I been present, I would have voted "yea" on No. 73 and "aye" on No. 74.

The SPEAKER pro tempore. Pursuant to House Resolution 974, House Resolution 955 is laid on the table.

RESIGNATION AS MEMBER OF COMMITTEES ON AGRICULTURE AND SCIENCE AND TECHNOLOGY

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committees on Agriculture and Science and Technology:

FEBRUARY 21, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
The Capitol, Washington, DC.

DEAR MADAM SPEAKER: Thank you for your service and for your leadership. I appreciate all your hard work and commitment to upholding the proud traditions of the House of Representatives.

Due to my impending appointment to the Committee on Appropriations, I hereby respectfully submit my resignation from the Committee on Agriculture and the Committee on Science and Technology, effective Monday, February 25, 2008.

I appreciate your consideration and I look forward to working with you in the future. Please do not hesitate to contact me if I can ever be of assistance.

With kind regards, I am,
Sincerely,

JO BONNER,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.
There was no objection.

ELECTING MINORITY MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. PUTNAM. Mr. Speaker, by direction of the House Republic Conference, I send to the desk a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 998

Resolved, That the following Members are, and are hereby, elected to the following standing committees:

(1) COMMITTEE ON APPROPRIATIONS.—Mr. Bonner of Alabama;

(2) COMMITTEE ON THE BUDGET.—Mr. Jordan of Ohio;

(3) COMMITTEE ON FINANCIAL SERVICES.—Mr. Heller of Nevada;

(4) COMMITTEE ON NATURAL RESOURCES.—Mr. Smith of Nebraska, and Mr. Wittman of Virginia; and,

(5) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—Mr. Latta.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTING A MEMBER TO A CERTAIN STANDING COMMITTEE OF THE HOUSE OF REPRESENTATIVES

Mr. SIRES. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 999

Resolved, That the following named Member be, and is hereby, elected to the following standing committee of the House of Representatives:

COMMITTEE ON FOREIGN AFFAIRS.—Ms. Lee.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SIRES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3521, and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

□ 1345

RESIGNATION AS MEMBER OF COMMITTEE ON SMALL BUSINESS

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Small Business:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 21, 2008.

Speaker NANCY PELOSI,
House of Representatives,
Washington, DC.

MADAM SPEAKER: This letter serves as my intent to resign from the Committee on

Small Business, effective Monday, February 25, 2008. It has been my honor and pleasure to serve on the committee and I look forward to the work ahead for the remainder of the 110th Congress.

Sincerely,

JIM JORDAN,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEES ON NATURAL RESOURCES, EDUCATION AND LABOR, AND SMALL BUSINESS

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committees on Natural Resources, Education and Labor, and Small Business:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 22, 2008.

Speaker NANCY PELOSI,
The Capitol,

Washington, DC.

Minority Leader JOHN BOEHNER,
The Capitol,
Washington, DC.

DEAR SPEAKER PELOSI AND MINORITY LEADER BOEHNER: This letter serves as my intent to resign from the House Natural Resources Committee, Education and Labor Committee, and Small Business Committee, effective Monday, February 25th, 2008. If you have any questions regarding this matter, please feel free to contact me. Thank you.

Sincerely,

DEAN HELLER,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

PUBLIC HOUSING ASSET MANAGEMENT IMPROVEMENT ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 974 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3521.

□ 1348

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3521) to improve the Operating Fund for public housing of the Department of Housing and Urban Development, with Mr. SERRANO in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from New Jersey (Mr. SIRES) and the gentleman from Illinois (Mr. ROSKAM) each will control 30 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. SIRES. Mr. Chairman, I am very happy to be here debating this bill to help public housing authorities across

this Nation. Let me start by thanking Chairman BARNEY FRANK for his support on this bill and his leadership in the committee.

Let me start by explaining why I introduced this bill. Shortly after I was sworn in, I received a letter from the Jersey City Housing Authority in my district. They told me they had laid off 34 employees because of asset management. When I looked into this, I learned that Jersey City was not unique. Over 800 public housing authorities had their operating budgets cut because of the way asset management was implemented by the U.S. Department of Housing and Urban Development. At the same time, the Department limited the amount of flexibility given to public housing authorities to make ends meet.

I knew something had to be done. With the support of Chairman FRANK, Chairwoman WATERS, and others, I introduced H.R. 3521, the Public Housing Asset Management Improvement Act of 2007. You will note that the title indicates that the bill improves asset management. It does not, and I repeat, it does not put an end to asset management. That is because I feel strongly that the goals of the asset management are worthwhile. By making public housing authorities run more efficiently, asset management has the potential to improve the lives of all those who live in public housing in this country.

My bill simply makes four improvements to the asset management rule. First, it requires renewed negotiations over the management fee. A little background in this is probably helpful. In 1998, Congress passed the Quality Housing and Work Responsibility Act of 1998, which called on the Department to replace the old funding system with a new, more efficient system. In 2004, a negotiated rulemaking committee gathered to decide how to implement this new system known as asset management. One key piece was the management fee, and Congress required that the fee be reasonable. The negotiators never discussed the management fee, and industry groups have argued that it was set arbitrarily by the Department in its final rule because it lacked input from the negotiated rulemaking committee. My bill requires new negotiations to establish a reasonable fee and allows public housing authorities to revert back to their old funding mechanism until final implementation of asset management on January 1, 2011.

Second, my bill reaffirms current law by allowing public housing authorities to transfer funds between their operating fund and their capital fund. This provision prevents the Department from prohibiting such transfers. This flexibility is vital to agencies, particularly since the public housing program is underfunded. Housing authorities know best where they need funding, not Washington. There is wide agreement on this provision. In fact, this

provision was included in the Consolidated Appropriations Act for Fiscal Year 2008. That provision, however, is only valid for 1 year. My bill would make the change permanent.

Third, my bill increases the exemption threshold from small to medium-sized public housing authorities. The Department recognized that small authorities with fewer than 250 units of housing would not benefit from the efficiencies of asset management. The final rule exempts public housing authorities with fewer than 250 units of housing from implementing asset management. My bill simply raises this threshold to 500 units. Again, there is little disagreement on raising the threshold. The Consolidated Appropriations Act for Fiscal Year 2008 raised the exemption threshold to 400. My bill goes a little further to 500 units. The impact of this change will only affect 441 public housing authorities, some of whom may not opt out of asset management because they think it makes good sense. Even with this change, over two-thirds of all public housing units still will be covered by asset management rules.

Finally, my bill restates current law in terms of tenant participation. It simply says that tenants should be allowed to participate in the decisions affecting their homes. It prohibits the Department from altering tenant participation rights, and it encourages public housing authorities to include tenants in discussion about asset management that directly affects their home.

Let me end by talking about who supports this bill. We have received letters of support from the Council of Large Public Housing Authorities, the Public Housing Authorities Directors Association, the National Association of Housing and Redevelopment Officials, and the National Training and Information Center.

I submit these letters for the RECORD.

NATIONAL TRAINING
AND INFORMATION CENTER,
Chicago, IL, February 7, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: The undersigned 150 democratic grassroots resident organizing groups and allies would like to convey our strong support for protecting the rights of public housing residents to organize, as delineated in H.R. 3521, the Public Housing Asset Management Improvement Act of 2007. As the transition to a system of asset management is one of the most significant shifts facing the administration of public housing in many years, it is more important than ever that public housing residents are involved in the decision-making processes at the local and national levels.

In April of 2007, the National Training & Information Center (NTIC) submitted a letter to Congress endorsed by local, statewide, and national organizations in protest of recent attempts to undermine the efforts of resident and community organizations to participate in the decisions around public housing that impact their communities and their lives. One of those attempts was a notice by HUD on March 1, 2007 to streamline

the process to waive 24 CFR 964, which outlines the rights of residents to organize, for PHAs transitioning to asset management. Section 4 of H.R. 3521 is critical in order to ensure that the congressionally sanctioned rights to organize for public housing residents are protected.

The NTIC network is of the perspective that residents must be central to the discourse around policies that impact them—both at the local and national level. Section 4 of this bill will ensure that the voices of public housing residents are not lost in the implementation of asset management. Over the past year, NTIC has brought together public housing residents and allies from 38 cities to identify the most pressing areas for reform of public housing policy. The right to organize and meaningful resident participation are among the highest priorities for residents across the country. In order to make asset management work for everyone, it is critical that residents are involved in decisions around its implementation.

The undersigned 150 local, statewide, and national organizations would like to convey our support for the principles outlined in Section 4 of H.R. 3521. Namely, we feel strongly that residents should have a right to organize in public housing and should be meaningfully and substantively involved in the decisions that impact their lives—both at the local and national level. Specifically, it is critical that the rights bestowed by 24 CFR 964 not be undermined by the transition to asset management. We hope that we can rely on your support for these principles.

Thank you for listening to the voices of the people!

Signed,

Access Living—Chicago, IL.
Annapolis Tenant Task Force—Boston, MA.
Beacon Glen Resident Association—Cincinnati, OH.
Bethel New Life—Chicago, IL.
Bethune Village Resident Council—Daytona Beach, FL.
Border Fair Housing & Economic Justice Center—El Paso, TX.
Bowen Homes Resident Association—Atlanta, GA.
Cabrin Green Rowhouse Council—Chicago, IL.
California Coalition for Rural Housing—California State
Center for Community Change—National Central Advisory Council—Chicago, IL.
Central Illinois Organizing Project—Central Illinois
Chicago Coalition for the Homeless—Chicago, IL.
Chicago Rehab Network—Chicago, IL.
Cleveland Housing Resident Association—Cleveland, TN.
Clinton Springs Resident Association—Cincinnati, OH.
Coalition to Protect Public Housing—Chicago, IL.
Communities United for Action—Cincinnati, OH.
Community Voices Heard—New York, NY.
Connecticut Legal Services—Connecticut State
Consumer Action—National
Crossroads Urban Center—Salt Lake City, UT.
Detroit United Organizing for Power—Detroit, MI.
District of Columbia Grassroots Empowerment Project—Washington, DC.
Empower DC—Washington, DC.
Empowering & Strengthening Ohio's People—Cleveland, OH.
Erie Tenant Council—Erie, PA.
Everywhere & Now Public Housing Residents Organizing Nationally Together—National

Fall River Housing Joint Tenants Council Inc.—Fall River, MA.
 Families United for Racial and Economic Equality—New York, NY.
 Faneuil Tenant Task Force—Boston, MA.
 Findlater Gardens Resident Association—Cincinnati, OH.
 Fuerza Laboral/Power of Workers—Providence, RI.
 Good Old Lower East Side—New York, NY.
 Grass Roots Organizing—Mexico, MO.
 Guste Homes Resident Management Corporation—New Orleans, LA.
 Hartford Organizing for Power & Equality—Hartford, CT.
 Homeline—Minnesota State
 Horizon Hills Resident Association—Cincinnati, OH.
 Housing Action Illinois—Illinois State
 Housing Choices Coalition—Santa Cruz, CA.
 Housing Rights Committee of San Francisco—San Francisco, CA.
 Housing Trust Fund Project—National
 Illinois Network of Centers for Independent Living—Illinois State
 Imagine Supported Living—Santa Cruz, CA.
 Iowa Citizens for Community Improvement—Iowa State
 Jane Addams Senior Caucus—Chicago, IL.
 Janie Poe Residents Council—Sarasota, FL.
 Jurisdiction-Wide Resident Advisory Board—Cincinnati, OH.
 Just Cause Oakland—Oakland, CA.
 Kalamazoo Homeless Action Network—Kalamazoo, MI.
 Lafayette Resident Advisory Board—Lafayette, WI.
 Lake City House Council—Seattle, WA.
 Lake County Center for Independent Living—Lake County, IL.
 Lake Park East Tenant Association—Chicago, IL.
 Lakeview Action Coalition—Chicago, IL.
 La Playa Resident Council—San Diego, CA.
 La Raza Centro Legal—San Francisco, CA.
 Lawyers' Committee for Better Housing—Chicago, IL.
 Lebanon Tenants Association—Lebanon, PA.
 Le Claire Court Community Development Corporation—Chicago, IL.
 Legacy of Equality, Leadership and Organizing—Seattle, WA.
 Legal Aid Justice Center—Charlottesville, VA.
 Legal Aid Justice Center—Richmond, VA.
 Legal Assistance Resource Center of Connecticut—Connecticut State
 Liberty Apartments Resident Association—Cincinnati, OH.
 Livemore Tenants and Neighbors—Livermore, CA.
 Logan Square Neighborhood Association—Chicago, IL.
 Los Angeles Coalition to End Hunger and Homelessness—Los Angeles, CA.
 Lowden Homes Local Advisory Council—Chicago, IL.
 Low Income Families Fighting Together—Miami, FL.
 Madera Action Coalition—Madera, CA.
 Maine Association of Interdependent Neighborhoods—Maine State
 Maine Equal Justice Partners—Maine State
 Mar Vista Gardens Resident Advisory Committee—Los Angeles, CA.
 Massachusetts Alliance of HUD Tenants—Massachusetts State
 Massachusetts Union of Public Housing Tenants—Massachusetts State
 Mennonite Central Committee—National.
 Metro Atlanta Task Force on Housing & Homelessness—Atlanta, GA.

Metropolitan Tenants Organization—Chicago, IL.
 Miami Workers Center—Miami, FL.
 Millvale Resident Association—Cincinnati, OH.
 Mineral Manor Resident Council—Reno, NV.
 Minneapolis High Rise Council—Minneapolis, MN.
 Mission Terrace Residents Association—San Jose, CA.
 Mississippi Coalition for Citizens with Disabilities—Mississippi State
 Mobilizing and Organizing for Victory and Empowerment—Minneapolis, MN.
 Mothers on the Move—New York, NY.
 Myra Birch Manor Resident Council—Reno, NV.
 National Alliance of HUD Tenants—National
 National Association for the Advancement of Colored People—Richmond, VA.
 National Association of Consumer Advocates—National
 National Association of Resident Management Corporations—National
 National Economic and Social Rights Initiative—National
 National People's Action—National
 National Training & Information Center—National
 New Direction for Change—Chicago, IL.
 New Orleans Women's Health Clinic—New Orleans, LA.
 New Orleans Women's Health & Justice Initiative—New Orleans, LA.
 Neill Resident Association—St. Paul, MN.
 North Valley Community Cooperative—North Valley, NM.
 North West Bronx Community & Clergy Coalition—New York, NY.
 North West Side Housing Center—Chicago, IL.
 New York City AIDS Housing Network—New York, NY.
 New York City Public Housing Residents Alliance—New York, NY.
 Oahu Housing Task Force—Oahu, HI.
 Old Colony Tenant Task Force—Boston, MA.
 Organization of the North East—Chicago, IL.
 Organizing Neighborhood Equity DC—Washington, D.C.
 Peabody-Englewood Tenant Task Force—Boston, MA.
 People for Community Recovery—Chicago, IL.
 People Organized for Westside Renewal—Los Angeles, CA.
 People Organized to Win Employment Rights—San Francisco, CA.
 People Organizing to Demand Environmental & Economic Rights—San Francisco, CA.
 People United to Secure Housing—Kalamazoo, MI.
 Pittsburgh Community Reinvestment Corporation—Pittsburg, PA.
 Portland Tenants Union—Portland, ME.
 Praxis Project—National
 Public Housing Association of Residents—Charlottesville, VA.
 Public Housing Residents of the Lower East Side—New York, NY.
 Public Housing Residents of Trumbull Park Homes—Chicago, IL.
 Resident Owned Business, Inc.—Gary, IN.
 Residents of Salem United—Salem, OH.
 Rhode Island HUD Tenant Project—Rhode Island State
 Richland Resident Council—Richland County, MT.
 Rogers Park Section 8 Tenants Council—Chicago, IL.
 Rose Garden Apartment Association of Residents—Las Vegas, NV.
 Safe Streets/Strong Communities—New Orleans, LA.

Senior Action Council—Phoenix, AZ.
 Seventy St. Botolph Street Tenant Taskforce—Boston, MA.
 Single Mothers on the Move—Hartford, CT.
 South Austin Coalition Community Council—Chicago, IL.
 Southside Together Organizing for Power—Chicago, IL.
 Sunflower Community Action—Kansas State
 Survivors Village—New Orleans, LA.
 Sutter View Resident Council—Cincinnati, OH.
 Syracuse United Neighbors—Syracuse, NY.
 Tenants Union of Washington State—Washington State
 Tenants Rallying In Unity to Maintain Public Housing—New York, NY.
 Transadvocacy Coalition—Hartford, CT.
 Tri-City Resident Council—Southeastern Kentucky
 Union de Vecinos—Los Angeles, CA.
 United Community Housing Coalition—Hartland, VT.
 United Residents for Housing Rights—Jackson, OH.
 Upland Residents Association—Upland, CA.
 West Broadway Tenant Task Force—Boston, MA.
 Whittier Street Tenant Task Force—Boston, MA.
 Winton Terrace Resident Association—Cincinnati, OH.

NATIONAL ASSOCIATION OF HOUSING
AND REDEVELOPMENT OFFICIALS,
Washington, DC, February 1, 2008.

Hon. ALBIO SRES,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE SRES: On behalf of the more than 22,000 members of the National Association of Housing and Redevelopment Officials (NAHRO), I am pleased to join with our industry colleagues the Public Housing Authority Directors Association (PHADA) and the Council of Large Public Housing Agencies (CLPHA) in formally expressing our strong support for House passage of H.R. 3521, "The Public Housing Asset Management and Improvement Act."

We believe H.R. 3521 contains provisions that will help ensure a responsible and practicable transition to asset management. The bill would establish a reasoned process for defining and determining management and related fees and a suitable transition period for implementing them. The bill also addresses concerns expressed by NAHRO and our industry colleagues with regard to the practicality and cost-effectiveness of asset management for local housing agencies with fewer than 500 public housing units. We believe H.R. 3521 correctly makes the transition to asset management optional for agencies with portfolios of this size. The legislation also confirms current law enabling the use of capital fund dollars used for operating purposes as permitted for central office costs.

Finally the legislation reaffirms current statute with respect to the right of residents to provide input and participate in the development of local agency policies.

NAHRO maintains that the provisions contained in H.R. 3521 are necessary and would, upon final enactment, resolve some of the more difficult and problematic concerns expressed by our members with regard to the transition to asset management as defined by recent HUD policies and directives. NAHRO has and will continue to work with the Department to ensure a smooth transition to public housing asset management, but strongly feels that congressional action providing clarity and certainty with respect to the items noted above is necessary and warranted.

We thank you for your leadership on this issue and stand ready to be of further assistance as appropriate.

Respectfully,

SAUL N. RAMIREZ, Jr.

COUNCIL OF LARGE
PUBLIC HOUSING AUTHORITIES,
Washington, DC, January 30, 2008.

Hon. BARNEY FRANK,
Chairman, Committee on Financial Services,
House of Representatives, Washington, DC.

DEAR CHAIRMAN FRANK: On behalf of the Council of Large Public Housing Authorities (CLPHA), I am writing in support of H.R. 3521, the Public Housing Asset Management Improvement Act of 2007, and to urge passage of this sensible legislation by the U.S. House of Representatives.

Asset management is landmark program change now several years in the making. CLPHA members have made the commitment to transition to a flexible asset management system, a shift involving sweeping management and accounting changes.

Provisions in the legislation of most concern to our members are those relating to management and related fees and the prohibition on restriction of fungibility of capital fund amounts. The legislation allows:

Housing agencies and HUD to have an expanded formal process by April 1, 2009, the basis of which is already established in the Public Housing Operating Fund Final Rule, enabling the negotiation of appropriate property management, bookkeeping and asset management fees. Once arrived upon, execution of those fees would commence in 2011; and

Housing agencies to use a portion of their Capital Fund grant towards eligible operating expenses. This provision was first established by Congress in 1996 and reinforced in the 2008 HUD appropriations bill in recognition of housing agencies' need for funding flexibility—a need which has only increased over time.

We thank you for your leadership and support of public housing and look forward to working with you on passage of this legislation.

Sincerely,

SUNIA ZATERMAN,
Executive Director.

NATIONAL HOUSING LAW PROJECT,
Oakland, CA, February 25, 2008.

Hon. ALBIO SIREs,
Committee on Banking, Housing and Urban Affairs, Washington, DC.

DEAR CONGRESSMAN SIREs: We are writing to convey our support for H.R. 3521, the Public Housing Asset Management Improvement Act. The focus of our support is based upon the resident participation provision.

The National Housing Law Project (NHLP) is a 40 year old national housing law and advocacy center whose mission is to advance housing justice for poor people. NHLP's goals are to increase and preserve the supply of decent affordable housing, improve housing conditions for very low-income persons and households, expand and enforce low-income tenants' and homeowners' rights and increase housing opportunities for racial and ethnic minorities. In pursuit of these goals, NHLP provides support through written materials, training, legislative and administrative advocacy, litigation and technical assistance on housing issues affecting very low income families. NHLP works with numerous legal services organizations around the country.

HUD and public housing agencies (PHAs) are currently engaged in the very substantial effort of transitioning to and implementing asset management. This effort is having a substantial impact at the local

level. PHAs that never applied for operating subsidies are now doing so. Other PHAs are experiencing cuts in operating subsidies due to asset management and the new funding formula. All PHAs are making new staffing and program determinations because of the requirements of project-based management and project-based budgets, all of which affects current residents. Simultaneously most PHAs are experiencing a cut in operating subsidies because of the low level of funding for such subsidies. In this environment of change, it is vital that the Secretary of HUD issue guidance supporting resident participation in the implementation of asset management and the development of local policies that arise from that effort.

It is also critical that Congress recognize the rights of public housing residents to organized and represent their members. Previously, Congress recognized these rights for residents of other federally assisted but privately owned housing. See 12 U.S.C. 1715z-1b(4). It is important that Congress also recognized the same rights for the approximately 1.2 million public housing families.

Sincerely,

CATHERINE M. BISHOP,
Staff Attorney.

PUBLIC HOUSING AUTHORITIES
DIRECTORS ASSOCIATION,
Washington, DC, January 31, 2008.

Hon. ALBIO SIREs,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE SIREs: On behalf of its members, PHADA thanks you for your support of the public housing program and for your efforts to ensure the workability of public housing asset management. Asset management is a landmark program change now several years in the making. During this time, PHADA has advocated for a cost-effective and practicable transition to asset management; a transition that would also enable smaller housing agencies (for whom the transition to individual project based management is neither cost effective nor practical) to be exempt from the process altogether.

The Public Housing Asset Management Improvement Act of 2008 (H.R. 3521) would authorize in statute recommendations long advocated for and broadly supported by PHADA's membership; recommendations that would accomplish this overall objective. PHADA is pleased to express its strong support for the passage of this important and necessary legislation.

H.R. 3521 will make possible the following:

1. In 2009, housing agencies and HUD will have an expanded formal process, the basis of which is already established in the Public Housing Operating Fund Final Rule, enabling the negotiation of appropriate property management, bookkeeping and asset management fees. Further, once arrived upon, execution of those fees would commence in 2011.

2. Small housing authorities that own and manage between 250 to 500 public housing units, 12 percent of all agencies, will gain regulatory relief in that the transition to asset management will be optional for them.

3. The legislation upholds current statute by which public housing residents may organize and participate in the development of policies at public housing agencies.

PHADA believes these simple provisions will mitigate implementation impediments broadly identified by its members and would provide flexibility critical to housing agencies' survival in a time of dwindling resources.

PHADA views these items as being essential to the fair, efficient and effective implementation of asset management as currently defined by HUD. It welcomes the opportunity

to continue to work with the Department and Members of Congress to ensure that the administration of asset management is handled in a responsible manner going forward. Thank you for the opportunity to express these views.

Respectfully,

TIMOTHY G. KAISER,
Executive Director.

My office has taken calls from public housing authorities across this Nation, small, large, urban, and rural authorities supporting this bill, and I hope that Members will support this bill. Please make a difference for public housing residents and public housing authorities by easing their regulatory burden. Vote "yes" on H.R. 3521.

Mr. Chairman, I reserve the balance of my time.

Mr. ROSKAM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to H.R. 3521, the Public Housing Asset Management Improvement Act of 2007. The bill makes several changes to the Department of Housing and Urban Development's Public Housing Agency Asset Management Final Rule. And what I'd like to do, rather than reading a lengthy statement, is just sort of summarize some of my concerns in a nutshell.

Without question, there's been a great deal of good work and good faith that's been put in on this bill, but I think that there's a couple of key points that just fall a little bit short, and I think we can do better.

The first is, the exemption of so many public housing authorities from the asset management mandate. And that's something that's a good thing, on balance. Asset management says that if you've got unit A and unit B and unit C of public housing, then we're going to determine the cost of unit A, the cost of unit B, and the cost of unit C, and that we're not going to mix all these things up together and act as if each individual one isn't responsible for an individual cost. Asset management is a good business practice that makes all kinds of sense. And if the bill, as amended, is ultimately passed by this House, 88 percent of public housing authorities in the United States would be exempt. That's a bad idea.

The second thing that is actually a bigger concern to me, is section 2 of the bill, and it relates to management and related fees. Let me just read part of the language that this House is being asked to vote on. It says, "The Secretary shall not impose any," and that's the operative word, Mr. Chairman, "any restriction or limitation on the amount of management and related fees with respect to a public housing project if the fee is determined to be reasonable by the Public Housing Agency unless," and then there's a couple of limitations that have to do with timing. The Secretary shall not impose any restriction or limitation. Any restriction? Any limitation? And who is it that's going to determine whether a fee is reasonable?

Well, under this bill, as amended, under this bill, it's going to be the very entity that's going to be the beneficiary of that fee. So we're essentially saying to the fox, Why don't you guard the henhouse? Why don't you decide what your fee is going to be, and you simply send the bill to the taxpayer, and that's the bill that's going to be paid? I think that's unreasonable. I think that common sense says, no, no, no. Common sense says, there's going to be someone else that determines reasonableness of fees before a bill is going to be paid. And what this does is it says, and it's a curious thing to me. I can't figure out for the life of me why. It says that the determination of reasonableness and the renegotiation of reasonableness can't be brought up for another year. This can't even be the subject of a conversation, a substantive negotiation, until April 1 of 2009. And then, even if something is negotiated then, it can't be imposed until 2011, 3 years away. I just think that's unreasonable, and I think it is a financial control that's in place that is being put adrift, and we're not going to be able to get it back for 3 years. Costs are going to go up. Mark my words.

Finally, this allows for the diversion of capital funds, Mr. Chairman. You know, there's always a natural tension, right, between capital funds and operating funds, and we hear that all the time. There is no shortage of national attention and national conversation and national concern about the atrophying of our capital, the atrophying of our infrastructure. And what we ought not be doing is creating more fungibility, in other words, more pressure to take money and divert precious capital money from capital expenditures, which are the traditional bricks and mortars of public housing to go into the operating side. And for those reasons, I rise in opposition.

Mr. Chairman, I reserve the balance of my time.

□ 1400

Mr. SIRES. Mr. Chairman, I yield 5 minutes to the gentlelady from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I am indeed honored to be an original cosponsor of H.R. 3521, the Public Housing Asset Management Improvement Act of 2007; and I want to thank Mr. SIRES and Chairman FRANK for their dedication and commitment to resolving this, at times, perplexing and confusing process known as asset management to which our public housing agencies have been struggling to adapt for several years now. This struggle has been made all the worse by the Department of Housing and Urban Development's overly prescriptive guidance on some issues, lack of guidance on other issues, and contradictory or insufficient guidance on everything in between.

I think we can all agree that public housing agencies can be better at managing our public housing resources and

that asset management has the potential to improve how public housing is managed nationwide. However, in examining the issues behind the implementation of asset management, it has become clear that HUD's one-size-fits-all approach simply won't work. In addition, the Department's willful disregard of existing statute as a part of the implementation is eroding the trust of housing agencies' residents and some Members of this Congress.

In light of the Department's actions and the need to proceed with asset management, my friend from New Jersey who introduced this bill, H.R. 3521, maintains and respects the negotiated rulemaking agreed to by all parties, housing agencies, their industry representatives and HUD and still requires housing agencies to convert to asset management by 2011.

However, the bill settles three outstanding issues that have slowed the implementation of asset management: number one, the amount of management fees; number two, the ability of housing agencies to use a portion of their capital funds while operating expenses as allowed under statute; and number three, the kind of housing agencies that must convert to asset management. These are all critical issues that must be decided before 2011.

H.R. 3521 would require negotiated rulemaking to settle the issue of management fees. The fees that the Department is attempting to impose on housing agencies are, in many cases, insufficient and will not meet the needs of housing agencies that have been historically underfunded.

In addition, these fees appear to have been arrived at in an arbitrary manner. Negotiated rulemaking on the subject of management fees would allow the Nation's housing managers to work with HUD to determine a reasonable fee for managing public housing. Because the date for full implementation of asset management would stay the same, negotiated rulemaking would not delay or stall conversion to asset management.

On the use of capital funds for operating expenses, the statute is very clear. Housing agencies have the ability to move 20 percent of their capital funds to their operating fund. However, in its guidance, the Department has disregarded this plain-as-day statute and has limited capital fund fungibility to 10 percent. The bill simply asserts what is already in law.

Large housing agencies will benefit the most from asset management due to the economies of scale that will result from streamlining their operations. By raising the threshold for conversion from housing agencies that manage 250 units to those that manage 500 units, the bill simply ensures that only those housing agencies with the ability to benefit from asset management are required to comply with it.

Furthermore, the bill makes sure that asset management does not stifle tenant participation and resident orga-

nization. Public housing residents are very concerned about how asset management will impact their ability to participate and to organize. The bill ensures that the ability of residents to remain involved and to be represented is not impinged upon.

Mr. Chairman, this bill does not undo, reverse, or undermine the original negotiated rulemaking between housing agencies and the Department. It simply settles four outstanding issues so that asset management can move forward.

Mr. ROSKAM. Mr. Chairman, I have no other speakers, and I will reserve the balance of my time.

Mr. SIRES. Mr. Chairman, I yield 4 minutes to my friend from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, I rise today in strong support of H.R. 3521, the Public Housing Asset Management Improvement Act of 2007.

I commend Chairman FRANK and commend Chairwoman WATERS and my colleague from New Jersey, Congressman ALBIO SIRES, for bringing to the floor this very important legislation. This is the most significant administrative transformation, Mr. Chairman, in 30 years dealing with all of the public housing authorities throughout the United States.

This bill, developed with the input of public housing agencies, administrators and tenants, is a commonsense measure that provides flexibility to the Nation's public housing authorities as they transition to asset management.

I must say to my friend from Illinois, the points that you bring up are salient, but it doesn't work here, and I will tell you why. H.R. 3521 was included as part of H.R. 2764, the Consolidated Appropriations Act of 2008, which the President signed on December 26, 2007. It's already law.

Specifically, the Consolidated Appropriations Act included the provision to allow flexible funding between the capital and operating funds. It also expanded the exemption from implementing asset management from public housing authorities with less than 250 units to public housing authorities with less than 400 units. This legislation that is before us today increases that threshold to 500 units. So what we are taking is something already in the law and expanding it.

H.R. 3521 would also be permanent whereas the Consolidated Appropriations Act would only put provisions in place for the year 2008. I ask that that be considered, and I think it is a very important part of what we are debating today.

Asset management is an efficient administrative style that allows public housing authorities to manage each individual housing development on a project-level basis as opposed to managing developments on an agency-wide basis.

While most stakeholders support the idea of asset management, they believe that HUD has implemented its inflexibility. For example, HUD has mandated that public housing authorities

demonstrate compliance. So this is not a willy-nilly situation here. This is something you have to comply to the law. New rules will be established by 2011, which the PHAs believe is too soon. You have to get these public housing authorities that have been operating, many of them for 30 years, the flexibility for compliance. And HUD is overseeing them. You act as if there is no one who is auditing the books.

We need time to issue timely and complete guidance on these new regulations causing some PHAs to lose funding and staff. I don't think any of us want that.

During this time of declining resources for public housing, when is the last time we built public housing? When is the last time we built public housing for seniors at a time when we know what is going on out there with people losing homes? When is the last time we have provided public housing?

So during this time of declining resources for public housing, it is imperative that we provide them with the flexibility they need to use their funds as they see fit. This legislation requires new negotiated rulemaking to begin in 2009 to ensure that housing authorities are funded according to an accurate funding formula and allows the public housing authorities the flexibility to move small amounts of funding from capital to operating funds.

Also, this legislation exempts small public housing authorities from asset management, as they generally will see no economic or efficiency improvements from its implementation and ensure that the PHAs involve tenants in every decision.

Mr. Chairman, this bill makes real practical changes that will truly benefit our public housing agencies as they implement asset management. I urge my colleagues to support its passage, and I commend the sponsors of this legislation.

Mr. ROSKAM. Mr. Chairman, I yield myself such time as I may consume.

I appreciate the tone of the discussion this afternoon very, very much. I just want to point out and really ask the House if you notice something, and at the beginning of my remarks, I put out, essentially as a challenge, this concern that I have of this language: the secretary shall not impose any restriction or limitation on the amount of management and related fees. Nothing: no restrictions, no authority, completely stripped so that there is nobody that has the ability that can come in and say this invoice for management, this amount of money for management, are you kidding me? That's outrageous. Nobody has the authority to do that. They do now, they do currently have that ability, but under this bill, Mr. Chairman, that authority goes away.

Now, the gentleman from New Jersey, the previous speaker, mentioned the fungibility argument. I accept that as an argument. I just don't think it is a good idea. I don't think that something that's in an appropriations bill,

just because it's a bad idea, that it needs the House's imprimatur once again. That's going to expire at the end of the year, and I think we can do better.

So just in summary, what we are being asked to do today is essentially to limit down the amount of public housing authorities that would be under asset management to only 12 percent of the public housing authorities in the United States. Only 12 percent of them would be subject to asset management if this bill is enacted.

So I think those are sufficient numbers to say, you know what, I think we can do better. Those are sufficient reasons, sufficient arguments that would suggest that we can do better. This should go back to the drawing board. And I urge a "no" vote.

With that, I yield back the balance of my time.

Mr. SIREs. Mr. Chairman, just in closing I would like to say that there is oversight, and the 20 percent that we are talking about is just increasing 10 percent because already they have the ability to move 10 percent. With all of the costs, all of the increases and the underfunding of these housing authorities, I think this is reasonable.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 3521

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Public Housing Asset Management Improvement Act of 2007".

SEC. 2. REVISIONS TO ASSET MANAGEMENT RULES AND RELATED FEES.

(a) **MANAGEMENT AND RELATED FEES.**—*The Secretary shall not impose any restriction or limitation on the amount of management and related fees with respect to a public housing project if the fee is determined to be reasonable by the public housing agency, unless such restriction or limitation imposed by the Secretary on such fees—*

(1) *is determined pursuant to a negotiated rulemaking which is convened by the Secretary no earlier than April 1, 2009, and in accordance with subchapter III of chapter 5 of title 5, United States Code, with representatives from interested parties; and*

(2) *is effective only on or after January 1, 2011.*

(b) **INCREASE OF THRESHOLD FOR EXEMPTION FROM ASSET MANAGEMENT REQUIREMENTS.**—*Any public housing agency that owns or operates fewer than 500 public housing units under title I of the United States Housing Act of 1937 may elect to be exempt from any asset management requirement imposed by the Secretary.*

SEC. 3. PROHIBITION ON RESTRICTION OF FUNGIBILITY OF CAPITAL FUND AMOUNTS.

The Secretary of Housing and Urban Development shall not impose any requirement, regula-

tion, or guideline relating to asset management that restricts or limits in any way the use by public housing agencies of amounts for Capital Fund assistance under section 9(d) of such Act, pursuant to paragraph (1) or (2) of section 9(g) of the United States Housing Act of 1937 (42 U.S.C. 1437g(g)), for costs of any central office of a public housing agency.

SEC. 4. TENANT PARTICIPATION.

(a) **RULE OF CONSTRUCTION.**—*Neither the requirements of this Act, nor any other requirement, regulation, guideline, or other policy or action of the Department of Housing and Urban Development relating to public housing asset management may be construed to repeal or waive any provision of part 964 of title 24 of the Code of Federal Regulations, regarding tenant participation and tenant opportunities in public housing. The Secretary of Housing and Urban Development shall ensure that public housing agencies encourage the reasonable efforts of resident tenant organizations to represent their members or the reasonable efforts of tenants to organize.*

(b) **GUIDANCE.**—*Guidance issued by the Secretary of Housing and Urban Development shall encourage participation by residents in the implementation of asset management and the development of local policies for such purposes.*

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 110-524. Each amendment may be offered only in the order printed in the report; by a Member designated in the report; shall be considered read; shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment; shall not be subject to amendment; and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. SIREs

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110-524.

Mr. SIREs. Mr. Chairman, as the designee of Mr. FRANK of Massachusetts, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. SIREs:

Page 2, after line 17, insert the following: The Secretary may not consider a public housing agency as failing to comply with the asset management requirements of subpart H of part 990 of title 24 of the Code of Federal Regulations, or any successor or amended regulation containing asset management requirements, or determine that an agency fails to comply with such requirements, because of or as a result of the agency determining its fees in accordance with this subsection.

At the end of the bill add the following new section:

SEC. 5. INELIGIBILITY OF ILLEGAL IMMIGRANTS FOR ASSISTANCE.

Immigrants who are not lawfully present in the United States shall be ineligible for financial assistance under this Act, as provided and defined by section 214 of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a). Nothing in this Act shall be construed to alter the restrictions or definitions in such section 214.

The CHAIRMAN. Pursuant to House Resolution 974, the gentleman from New Jersey (Mr. SIREs) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

□ 1415

Mr. SIRES. This manager's amendment covers two different aspects of the bill. The first part addresses compliance with section 2 of the bill. Section 2 grants agencies that lost funding because of asset management to walk out of the funding agreement. The bill allows them to set their own reasonable management fee until a new negotiated rulemaking takes place. However, the Department recently announced that any agency compliant with this provision of the bill will be deemed as noncompliant with the Asset Management Final Rule. The manager's amendment makes it clear that these agencies are compliant.

The second part of the manager's amendment restates current law that undocumented immigrants are ineligible for financial assistance under section 214 of the Housing and Community Development Act of 1980. These changes are technical and should be adopted.

Chairman FRANK and I urge a "yes" vote on these amendments.

Mr. Chairman, I reserve the balance of my time.

Mr. KANJORSKI. Mr. Chairman, I rise today in support of H.R. 3521, the Public Housing Asset Management Improvement Act. This legislation works to provide flexibility to public housing agencies as they make the transition to the new asset management system.

As we are working to enact this legislation, I am pleased that we incorporated provisions to ease the potential burdens for many smaller public housing authorities, including many in my Congressional district. I am also pleased to see that the Manager's Amendment we are considering includes language that reaffirms current Federal law and ensures that illegal immigrants do not receive public housing benefits that should only go to those who rightfully deserve them.

Mr. Chairman, in closing, I would like to express my appreciation to Mr. SIRES of New Jersey for introducing this legislation and to Chairman FRANK for working to include language in the Manager's Amendment pertaining to illegal immigration. I urge my colleagues to vote in favor of H.R. 3521, the Public Housing Asset Management Improvement Act.

Mr. ROSKAM. Mr. Chairman, we have no opposition to the amendment, and I yield back the balance of my time.

Mr. SIRES. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. SIRES).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. SIRES. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. MEEK OF FLORIDA

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110-524.

Mr. MEEK of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. MEEK of Florida:

Page 3, line 23, after the period insert the following: "In the case of any public housing agency in receivership, the Secretary of Housing and Urban Development or any receiver may not abrogate, waive, repeal, or modify any provision of part 964 of title 24 of the Code of Federal Regulations or any provision of a formalized housing agreement entered into pursuant to such part 964 (including pursuant to section 964.11, 964.14, 964.18(a)(6), or 964.135 of such part) before the commencement of such receivership by a resident or tenant organization and the public housing agency."

The CHAIRMAN. Pursuant to House Resolution 974, the gentleman from Florida (Mr. MEEK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MEEK of Florida. Members, I think that this amendment is well in order. First of all, I want to thank the chairman of the committee, Mr. FRANK, and also Mr. SIRES, who has been a leader in this, my friend from New Jersey, and also Chairwoman WATERS.

Mr. Chairman, this amendment simply, on page 3, line 23, gives those individuals who find themselves in the middle of a dispute between the Department of Housing and Urban Development and a local housing authority, when that particular local housing authority falls into receivership, all agreements that have been agreed upon as it relates to tenants and that housing authority should be honored when that takes place.

Case in point: In south Florida we were awarded a HOPE VI grant, and the housing authority failed the residents in being able to implement that grant, and then the residents and housing authority came together for the better good to make sure there weren't a number of homeless individuals, and those agreements ended up going south. And I think there are other communities that will be going through this in the very near future.

I am offering this amendment, and hopefully the Members will accept this amendment in good faith and it will help us move forward as we look at these situations in the future.

Mr. Chairman, I reserve the balance of my time.

Mr. ROSKAM. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman from Illinois is recognized for 5 minutes.

Mr. ROSKAM. Mr. Chairman, I reserve the balance of my time.

Mr. MEEK of Florida. Mr. Chairman, I would like to recognize the gen-

tleman from New Jersey (Mr. SIRES) for 1 minute.

Mr. SIRES. I would like to thank Mr. MEEK for offering this amendment.

This amendment clarifies that the Department cannot prevent public housing authorities in receivership from benefiting from this bill.

Chairman FRANK and I fully support this amendment, and we urge adoption.

Mr. MEEK of Florida. Mr. Chairman, I reserve the balance of my time.

Mr. ROSKAM. Mr. Chairman, I yield back the balance of my time.

Mr. MEEK of Florida. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. MEEK).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. ROSKAM. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 110-524 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. SIRES of New Jersey.

Amendment No. 2 by Mr. MEEK of Florida.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

AMENDMENT NO. 1 OFFERED BY MR. SIRES

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. SIRES) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 415, noes 0, not voting 18, as follows:

[Roll No. 75]

AYES—415

Abercrombie	Bartlett (MD)	Blunt
Ackerman	Barton (TX)	Boehner
Aderholt	Bean	Bonner
Akin	Becerra	Bono Mack
Alexander	Berkley	Boozman
Altmire	Berman	Bordallo
Andrews	Berry	Boren
Arcuri	Biggert	Boswell
Baca	Bilbray	Boustany
Bachmann	Bilirakis	Boyd (FL)
Bachus	Bishop (GA)	Boyd (KS)
Baird	Bishop (NY)	Brady (PA)
Baldwin	Bishop (UT)	Brady (TX)
Barrett (SC)	Blackburn	Braley (IA)
Barrow	Blumenauer	Brown (GA)

Brown (SC)	Gingrey	McCollum (MN)	Scott (GA)	Stark	Walsh (NY)	Costello	Kaptur	Regula
Brown, Corrine	Gohmert	McCotter	Scott (VA)	Stearns	Walz (MN)	Courtney	Kennedy	Rehberg
Buchanan	Gonzalez	McCrery	Sensenbrenner	Stupak	Wamp	Cramer	Kildee	Reichert
Burgess	Goode	McDermott	Serrano	Sullivan	Wasserman	Crenshaw	Kilpatrick	Renzi
Burton (IN)	Goodlatte	McGovern	Sessions	Tancredo	Schultz	Kind	Reyes	Reyes
Butterfield	Gordon	McHenry	Sestak	Tanner	Waters	Cuellar	King (NY)	Richardson
Buyer	Granger	McHugh	Shadegg	Tauscher	Watson	Cummings	Klein (FL)	Rodriguez
Calvert	Green, Al	McIntyre	Shays	Taylor	Watt	Davis (AL)	Knollenberg	Rogers (AL)
Camp (MI)	Green, Gene	McKeon	Shea-Porter	Terry	Waxman	Davis (CA)	Kucinich	Rogers (KY)
Campbell (CA)	Grijalva	McMorris	Sherman	Thompson (CA)	Weiner	Davis (IL)	Kuhl (NY)	Rogers (MI)
Cannon	Hall (NY)	Rodgers	Shimkus	Thompson (MS)	Welch (VT)	Davis (KY)	LaHood	Ros-Lehtinen
Cantor	Hall (TX)	McNerney	Shuler	Thornberry	Weldon (FL)	Davis, Lincoln	Lampson	Ross
Capito	Hare	McNulty	Shuster	Tiahrt	Weller	Davis, Tom	Langevin	Rothman
Capps	Harman	Meek (FL)	Simpson	Tiberi	Westmoreland	DeFazio	Larsen (WA)	Roybal-Allard
Capuano	Hastings (FL)	Meeks (NY)	Sires	Tierney	Whitfield (KY)	DeGette	Larson (CT)	Ruppersberger
Cardoza	Hastings (WA)	Melancon	Skelton	Towns	Wilson (NM)	Delahunt	Latham	Rush
Carnahan	Hayes	Mica	Slaughter	Tsongas	Wilson (OH)	DeLauro	LaTourette	Ryan (WI)
Carney	Heller	Michaud	Smith (NE)	Turner	Wilson (SC)	Dent	Lee	Salazar
Carter	Hensarling	Miller (FL)	Smith (NJ)	Udall (CO)	Wittman (VA)	Diaz-Balart, L.	Levin	Sánchez, Linda
Castle	Herger	Miller (MI)	Smith (TX)	Udall (NM)	Wolf	Diaz-Balart, M.	Lewis (CA)	T.
Castor	Herseht Sandlin	Miller (NC)	Smith (WA)	Upton	Wu	Dicks	Linder	Sanchez, Loretta
Chabot	Higgins	Miller, Gary	Snyder	Van Hollen	Wynn	Dingell	Lipinski	Sarbanes
Chandler	Hill	Miller, George	Solis	Velázquez	Yarmuth	Doggett	LoBiondo	Saxton
Clarke	Hinchey	Mitchell	Souder	Visclosky	Young (AK)	Donnelly	Loebsock	Schakowsky
Clay	Hinojosa	Mollohan	Space	Walberg	Young (FL)	Doyle	Lofgren, Zoe	Schiff
Cleaver	Hirono	Moore (KS)	Spratt	Walden (OR)		Drake	Lowey	Schmidt
Clyburn	Hobson	Moore (WI)				Dreier	Lucas	Schwartz
Coble	Hodes	Moran (KS)				Edwards	Lynch	Scott (GA)
Cohen	Hoekstra	Moran (VA)	Allen	Gutierrez	Pryce (OH)	Ehlers	Mack	Scott (VA)
Cole (OK)	Holden	Murphy (CT)	Boucher	Hulshof	Reynolds	Ellison	Mahoney (FL)	Sensenbrenner
Conaway	Holt	Murphy, Patrick	Brown-Waite,	Jones (OH)	Ryan (OH)	Ellsworth	Maloney (NY)	Serrano
Conyers	Honda	Murphy, Tim	Ginny	Keller	Sutton	Emanuel	Markey	Sestak
Cooper	Hooley	Murtha	Christensen	Lungren, Daniel	Wexler	Emerson	Marshall	Shays
Costa	Hoyer	Musgrave	Fortuño	E.	Woolsey	Engel	Matheson	Shea-Porter
Costello	Hunter	Myrick	Graves	Peterson (PA)		English (PA)	Matsui	Sherman
Courtney	Inglis (SC)	Nadler				Eshoo	McCarthy (NY)	Shuler
Cramer	Inslee	Napolitano				Etheridge	McCollum (MN)	Simpson
Crenshaw	Israel	Neal (MA)				Everett	McCotter	Sires
Crowley	Issa	Neugebauer				Faleomavaega	McCrery	Skelton
Cubin	Jackson (IL)	Norton				Fallin	McDermott	Slaughter
Cuellar	Jackson-Lee	Nunes				Farr	McGovern	Smith (NJ)
Culberson	(TX)	Oberstar				Fattah	McHugh	Smith (TX)
Cummings	Jefferson	Obey				Ferguson	McIntyre	Smith (WA)
Davis (AL)	Johnson (GA)	Olver				Filner	McKeon	Snyder
Davis (CA)	Johnson (IL)	Ortiz				Forbes	McNerney	Solis
Davis (IL)	Johnson, E. B.	Pallone				Fortenberry	McNulty	Space
Davis (KY)	Johnson, Sam	Pascarell				Fossella	Meek (FL)	Spratt
Davis, David	Jones (NC)	Pastor				Frank (MA)	Meeks (NY)	Stark
Davis, Lincoln	Jordan	Paul				Frelinghuysen	Melancon	Stupak
Davis, Tom	Kagen	Payne				Gallegly	Michaud	Tanner
Deal (GA)	Kanjorski	Pearce				Gerlach	Miller (MI)	Tauscher
DeFazio	Kaptur	Pence				Giffords	Miller (NC)	Taylor
DeGette	Kennedy	Perlmutter				Gilchrest	Miller, George	Terry
Delahunt	Kildee	Peterson (MN)				Gillibrand	Mitchell	Thompson (CA)
DeLauro	Kilpatrick	Petri				Gonzalez	Mollohan	Thompson (MS)
Dent	Kind	Pickering				Goodlatte	Moore (KS)	Tiberi
Diaz-Balart, L.	King (IA)	Pitts				Gordon	Moore (WI)	Tierney
Diaz-Balart, M.	King (NY)	Platts				Green, Al	Moran (KS)	Towns
Dicks	Kingston	Poe				Green, Gene	Moran (VA)	Tsongas
Dingell	Kirk	Pomeroy				Grijalva	Murphy (CT)	Turner
Doggett	Klein (FL)	Porter				Hall (NY)	Murphy, Patrick	Udall (CO)
Donnelly	Kline (MN)	Price (GA)				Hare	Murphy, Tim	Udall (NM)
Doolittle	Knollenberg	Price (NC)				Harman	Murtha	Upton
Doyle	Kucinich	Putnam				Hastings (FL)	Musgrave	Van Hollen
Drake	Kuhl (NY)	Radanovich				Hastings (WA)	Nadler	Velázquez
Dreier	LaHood	Rahall				Hayes	Napolitano	Visclosky
Duncan	Lamborn	Ramstad				Herseht Sandlin	Neal (MA)	Walberg
Edwards	Lampson	Rangel				Higgins	Norton	Walden (OR)
Ehlers	Langevin	Regula				Hill	Nunes	Walsh (NY)
Ellison	Larsen (WA)	Rehberg				Hinchey	Oberstar	Walz (MN)
Ellsworth	Larson (CT)	Reichert				Hinojosa	Obey	Wasserman
Emanuel	Latham	Renzi				Hirono	Olver	Schultz
Emerson	LaTourette	Reyes				Hobson	Ortiz	Waters
Engel	Latta	Richardson				Hoekstra	Pallone	Watson
English (PA)	Lee	Rodriguez				Holden	Pascarell	Watt
Eshoo	Levin	Rogers (AL)				Holt	Pastor	Waxman
Etheridge	Lewis (CA)	Rogers (KY)				Honda	Paul	Weiner
Everett	Lewis (GA)	Rogers (MI)				Hooley	Payne	Welch (VT)
Faleomavaega	Lewis (KY)	Rohrabacher				Hoyer	Pearce	Weller
Fallin	Linder	Ros-Lehtinen				Hunter	Perlmutter	Whitfield (KY)
Farr	Lipinski	Roskam				Inslee	Peterson (MN)	Wilson (NM)
Fattah	LoBiondo	Ross				Israel	Petri	Wilson (OH)
Feeney	Loebsock	Rothman				Issa	Pickering	Wittman (VA)
Ferguson	Lofgren, Zoe	Roybal-Allard				Jackson (IL)	Pitts	Wolf
Filner	Lowey	Royce				Jackson-Lee	Platts	Wu
Flake	Lucas	Ruppersberger				(TX)	Pomeroy	Wynn
Forbes	Lynch	Rush				Jefferson	Porter	Yarmuth
Fortenberry	Mack	Ryan (WI)				Johnson (GA)	Price (NC)	Young (AK)
Fossella	Mahoney (FL)	Salazar				Johnson, E. B.	Putnam	Young (FL)
Fox	Maloney (NY)	Sali				Jones (NC)	Rahall	
Frank (MA)	Manzullo	Sánchez, Linda				Kagen	Ramstad	
Franks (AZ)	Marchant	T.				Kanjorski	Rangel	
Frelinghuysen	Markey	Sanchez, Loretta						
Gallegly	Marshall	Sarbanes						
Garrett (NJ)	Matheson	Saxton						
Gerlach	Matsui	Schakowsky						
Giffords	McCarthy (CA)	Schiff						
Gilchrest	McCarthy (NY)	Schmidt						
Gillibrand	McCaul (TX)	Schwartz						

NOT VOTING—18

□ 1446

Messrs. CALVERT, PEARCE, and GINGREY changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. MEEK OF FLORIDA

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. MEEK) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 337, noes 77, not voting 19, as follows:

[Roll No. 76]

AYES—337

Abercrombie	Bishop (NY)	Cannon
Ackerman	Bishop (UT)	Cantor
Aderholt	Blumenauer	Capito
Alexander	Boehner	Capps
Altmire	Bonner	Capuano
Andrews	Bono Mack	Cardoza
Arcuri	Boozman	Carnahan
Baca	Bordallo	Carney
Bachus	Boren	Castle
Baird	Boswell	Castor
Baldwin	Boustany	Chabot
Barrow	Boyd (FL)	Chandler
Bartlett (MD)	Boyd (KS)	Clarke
Barton (TX)	Brady (PA)	Clay
Bean	Braley (IA)	Cleaver
Becerra	Brown (SC)	Clyburn
Berkley	Brown, Corrine	Coble
Berman	Buchanan	Cohen
Berry	Burton (IN)	Cole (OK)
Biggert	Butterfield	Conyers
Billbray	Calvert	Cooper
Bishop (GA)	Camp (MI)	Costa

NOES—77

Akin	Blunt	Campbell (CA)
Bachmann	Brady (TX)	Carter
Barrett (SC)	Brown (GA)	Conaway
Bilirakis	Burgess	Cubin
Blackburn	Buyer	Culberson

Davis, David	King (IA)	Poe
Deal (GA)	Kingston	Price (GA)
Doolittle	Kirk	Radanovich
Duncan	Kline (MN)	Rohrabacher
Feeney	Lamborn	Roskam
Flake	Latta	Royce
Fox	Lewis (KY)	Sali
Franks (AZ)	Manzullo	Sessions
Garrett (NJ)	Marchant	Shadegg
Gingrey	McCarthy (CA)	Shimkus
Gohmert	McCauley (TX)	Shuster
Goode	McHenry	Smith (NE)
Granger	McMorris	Stearns
Hall (TX)	Rodgers	Sullivan
Heller	Mica	Tancredo
Hensarling	Miller (FL)	Thornberry
Herger	Miller, Gary	Tiahrt
Inglis (SC)	Myrick	Wamp
Johnson (IL)	Neugebauer	Weldon (FL)
Johnson, Sam	Pence	Westmoreland
Jordan	Peterson (PA)	Wilson (SC)

NOT VOTING—19

Allen	Hodes	Reynolds
Boucher	Hulshof	Ryan (OH)
Brown-Waite,	Jones (OH)	Sutton
Ginny	Keller	Wexler
Christensen	Lewis (GA)	Woolsey
Fortuño	Lungren, Daniel	
Graves	E.	
Gutierrez	Pryce (OH)	

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 2 minutes remain on this vote.

□ 1454

Mrs. McMORRIS RODGERS and Mr. PENCE changed their vote from “aye” to “no.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. TAUSCHER) having assumed the chair, Mr. SERRANO, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3521) to improve the Operating Fund for public housing of the Department of Housing and Urban Development, pursuant to House Resolution 974, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. SMITH OF TEXAS

Mr. SMITH of Texas. Madam Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SMITH of Texas. I am in its current form.

Mr. SIRES. Madam Speaker, I reserve a point of order.

The SPEAKER pro tempore. A point of order is reserved.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. SMITH of Texas moves to recommit the bill, H.R. 3521, to the Committee on Financial Services with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the text of the bill H.R. 3773 as passed by the Senate on February 12, 2008.

POINT OF ORDER

Mr. SIRES. Madam Speaker, I make a point of order that the amendment is not germane to the bill. The bill H.R. 3773 has nothing to do with the asset management bill under consideration.

The SPEAKER pro tempore. Does any other Member wish to be heard on the point of order?

Mr. SMITH of Texas. Yes, I do, Madam Speaker.

Madam Speaker, once again, the Democratic majority is insisting on a procedural objection to block consideration of the Senate-passed FISA modernization bill. This motion to recommit adds the bipartisan bill passed 2 weeks ago by the Senate, 68–29.

The SPEAKER pro tempore. The gentleman will suspend.

The gentleman must confine his remarks to the gentleman from New Jersey's point of order.

Mr. SMITH of Texas. Madam Speaker, there is nothing more germane to the security of the American people than to take up the Senate bill as quickly as possible.

Now I would like to reiterate my disappointment that the majority has raised a point of order against this motion to recommit.

Mr. SIRES. Madam Speaker, the gentleman is not speaking on the point of order.

The SPEAKER pro tempore. The gentleman from Texas must confine his remarks to the point of order.

Mr. SMITH of Texas. Madam Speaker, I would like to ask the gentleman to withdraw his point of order and allow for an up-or-down vote on the bipartisan Senate reform bill.

Mr. SIRES. Madam Speaker, I insist on my point of order.

The SPEAKER pro tempore. The instructions in the motion to recommit propose an amendment consisting of the text of an entirely different measure that falls outside the jurisdiction of the Committee on Financial Services. The instructions are therefore not germane. The point of order is sustained. The motion is not in order.

Mr. SMITH of Texas. Madam Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE OFFERED BY MR. SIRES

Mr. SIRES. Madam Speaker, I move to table the appeal.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. SIRES. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 218, noes 195, not voting 15, as follows:

[Roll No. 77]

AYES—218

Abercrombie	Grijalva	Neal (MA)
Ackerman	Hall (NY)	Oberstar
Altmire	Hare	Obey
Andrews	Harman	Olver
Arcuri	Hastings (FL)	Ortiz
Baca	Herseth Sandlin	Pallone
Baird	Higgins	Pascarella
Baldwin	Hill	Pastor
Barrow	Hinchey	Payne
Bean	Hinojosa	Perlmutter
Becerra	Hirono	Pomeroy
Berkley	Hodes	Price (NC)
Berman	Holden	Rahall
Berry	Holt	Rangel
Bishop (GA)	Honda	Reyes
Bishop (NY)	Hooley	Richardson
Blumenauer	Hoyer	Rodriguez
Boren	Inslee	Ross
Boswell	Israel	Rothman
Boucher	Jackson (IL)	Roybal-Allard
Boyd (FL)	Jackson-Lee	Ruppersberger
Boyd (KS)	(TX)	Rush
Brady (PA)	Jefferson	Salazar
Braley (IA)	Johnson (GA)	Sanchez, Linda
Brown, Corrine	Johnson, E. B.	T.
Butterfield	Kagen	Sanchez, Loretta
Capps	Kanjorski	Sarbanes
Capuano	Kaptur	Schakowsky
Cardoza	Kennedy	Schiff
Carnahan	Kildee	Schwartz
Castor	Kilpatrick	Scott (GA)
Chandler	Kind	Scott (VA)
Clarke	Klein (FL)	Serrano
Clay	Kucinich	Sestak
Cleaver	Langevin	Shea-Porter
Clyburn	Larsen (WA)	Sherman
Cohen	Larson (CT)	Shuler
Conyers	Lee	Sires
Cooper	Levin	Skelton
Costa	Lewis (GA)	Slaughter
Costello	Lipinski	Smith (WA)
Courtney	Loebach	Snyder
Cramer	Lofgren, Zoe	Solis
Crowley	Lowey	Space
Cuellar	Lynch	Spratt
Cummings	Mahoney (FL)	Stark
Davis (AL)	Maloney (NY)	Stupak
Davis (CA)	Markey	Tanner
Davis (IL)	Marshall	Tauscher
Davis, Lincoln	Matheson	Taylor
DeFazio	Matsui	Thompson (CA)
DeGette	McCarthy (NY)	Thompson (MS)
Delahunt	McCollum (MN)	Tierney
DeLauro	McDermott	Towns
Dicks	McGovern	Tsongas
Dingell	McIntyre	Udall (CO)
Doggett	McNerney	Udall (NM)
Donnelly	McNulty	Van Hollen
Doyle	Meek (FL)	Velázquez
Edwards	Meeks (NY)	Visclosky
Ellison	Melancon	Walz (MN)
Ellsworth	Michaud	Wasserman
Emanuel	Miller (NC)	Schultz
Engel	Miller, George	Waters
Eshoo	Mitchell	Watson
Etheridge	Mollohan	Watt
Farr	Moore (KS)	Waxman
Fattah	Moore (WI)	Weiner
Filner	Moran (VA)	Welch (VT)
Gillibrand	Murphy (CT)	Wilson (OH)
Gonzalez	Murphy, Patrick	Wu
Gordon	Murtha	Wynn
Green, Al	Nadler	Yarmuth
Green, Gene	Napolitano	

NOES—195

Aderholt	Frelinghuysen	Paul
Akin	Gallegly	Pearce
Alexander	Garrett (NJ)	Pence
Bachmann	Gerlach	Peterson (PA)
Bachus	Giffords	Petri
Barrett (SC)	Gilchrest	Pickering
Bartlett (MD)	Gingrey	Pitts
Barton (TX)	Gohmert	Platts
Biggert	Goode	Poe
Blibray	Goodlatte	Porter
Bilirakis	Granger	Price (GA)
Bishop (UT)	Hall (TX)	Putnam
Blackburn	Hastings (WA)	Radanovich
Blunt	Hayes	Ramstad
Boehner	Heller	Regula
Bonner	Hensarling	Rehberg
Bono Mack	Herger	Reichert
Boozman	Hobson	Renzi
Boustany	Hoekstra	Reynolds
Brady (TX)	Hunter	Rogers (AL)
Brown (GA)	Inglis (SC)	Rogers (KY)
Brown (SC)	Issa	Rogers (MI)
Buchanan	Johnson (IL)	Rohrabacher
Burgess	Johnson, Sam	Ros-Lehtinen
Burton (IN)	Jones (NC)	Roskam
Buyer	Jordan	Royce
Calvert	King (IA)	Ryan (WI)
Camp (MI)	King (NY)	Sali
Campbell (CA)	Kingston	Saxton
Cannon	Kirk	Schmidt
Cantor	Kline (MN)	Sensenbrenner
Capito	Knollenberg	Sessions
Carney	Kuhl (NY)	Shadegg
Carter	LaHood	Shays
Castle	Lamborn	Shimkus
Chabot	Lampson	Shuster
Coble	Latham	Simpson
Cole (OK)	LaTourette	Smith (NE)
Conaway	Latta	Smith (NJ)
Crenshaw	Lewis (CA)	Smith (TX)
Cubin	Lewis (KY)	Souder
Culberson	Linder	Stearns
Davis (KY)	LoBiondo	Sullivan
Davis, David	Lucas	Tancredo
Davis, Tom	Mack	Terry
Deal (GA)	Manzullo	Thornberry
Dent	Marchant	Tiahrt
Diaz-Balart, L.	McCarthy (CA)	Tiberi
Diaz-Balart, M.	McCaul (TX)	Turner
Doolittle	McCotter	Upton
Drake	McCrery	Walberg
Dreier	McHenry	Walden (OR)
Duncan	McHugh	Walsh (NY)
Ehlers	McKeon	Wamp
Emerson	McMorris	Weldon (FL)
English (PA)	Rodgers	Weller
Everett	Mica	Westmoreland
Fallin	Miller (FL)	Whitfield (KY)
Feeney	Miller (MI)	Wilson (NM)
Ferguson	Miller, Gary	Wilson (SC)
Flake	Moran (KS)	Wittman (VA)
Forbes	Murphy, Tim	Wolf
Fortenberry	Musgrave	Young (AK)
Fossella	Myrick	Young (FL)
Fox	Neugebauer	
Franks (AZ)	Nunes	

NOT VOTING—15

Allen	Hulshof	Pryce (OH)
Brown-Waite,	Jones (OH)	Ryan (OH)
Ginny	Keller	Sutton
Frank (MA)	Lungren, Daniel	Wexler
Graves	E.	Woolsey
Gutierrez	Peterson (MN)	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on this vote.

□ 1520

Mr. SHADEGG, Mr. BOEHNER and Mr. LEWIS of California changed their vote from "aye" to "no."

Mr. ISRAEL and Mr. SMITH of Washington changed their vote from "no" to "aye."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Madam Speaker, I was unavoidably absent from this Chamber yesterday and today. I would like the RECORD to show that, had I been present, I would have voted "yea" on rollcall votes 69, 70, 71, 72, 73, 74, 75, 76, and 77.

MOTION TO RECOMMIT OFFERED BY MRS. BACHMANN

Mrs. BACHMANN. Madam Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Mrs. BACHMANN. Yes, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mrs. Bachmann moves to recommit the bill H.R. 3521 to the Committee on Financial Services with instructions to report the same back to the House promptly with the following instructions:

Page 2, after line 17, insert the following: The Secretary of Housing and Urban Development shall not accept as reasonable any fees for enforcing any provision of a dwelling lease agreement or other similar agreement that requires the registration of or prohibits the possession of any firearm that is possessed by an individual for his or her personal protection or for sport the possession of which is not prohibited, or the registration of which is not required, by existing law.

The SPEAKER pro tempore. The gentlewoman from Minnesota is recognized for 5 minutes.

Mrs. BACHMANN. Madam Speaker, our Founding Fathers wrote our Nation's fundamental values of freedom and representative government into our Constitution. This includes the people's second amendment right to keep and bear arms.

Citizens who are in compliance with the law should not have those rights taken away, including those who live in public housing. Yet, public housing authorities, including the one right here in our Nation's Capital, are telling residents that in order to be a resident of public housing, you must give up your second amendment rights. You must give up your right to own a firearm for sport or for hunting or, most importantly, to protect yourself or your family.

Let me quote from the January 2008 dwelling lease agreement for D.C.: "Lessee and all Others are required to comply with the following use restrictions and requirements . . . To refrain from storing, maintaining, using, distributing, purchasing or selling any type of firearms or ammunition on the Leased Premises or the Development, whether registered or unregistered."

In other words, Madam Speaker, even if you comply with all the laws of the District of Columbia related to gun ownership, you are prohibited from owning a gun if you are a resident of public housing.

We are talking about law-abiding citizens, not criminals. Criminals are already largely prohibited from residing in public housing. Residents of pub-

lic housing share the same legal rights to possess lawful property and to take measures to defend their lives as do homeowners who control their estate.

The D.C. policy clearly discriminates against the poorest members of our society simply because they are residents of public housing.

Less than 2 weeks ago, 250 Members of this House of Representatives, including 65 Members of the majority, who said there shouldn't be any gun ban here in the District of Columbia signed a bipartisan amicus curiae brief in District of Columbia v. Heller, which said it is a case that currently is before the United States Supreme Court which questions the constitutionality of the D.C. gun ban. The amicus brief supports the ruling by a lower Federal appeals court which upheld the constitutional right of individual citizens to keep and bear arms.

Just to refresh my colleagues one more time, one notable line from the brief states, and I quote, "Had Americans in 1787 been told that the Federal Government could ban the frontiersman in his log cabin, or the city merchant living above his store, from keeping firearms to provide for and protect himself and his family, it is hard to imagine that the Constitution would have been ratified."

The D.C. public housing restriction goes even further than the D.C. gun ban in question in this case.

Madam Speaker, we must assure that Americans living in public housing have their personal right to possess firearms for hunting or self-defense.

This motion to recommit is simple. It clarifies that public housing authorities that participate in the asset management program cannot prohibit their law-abiding tenants from possessing firearms and ammunition.

Madam Speaker, I ask my colleagues to join me in supporting this motion, and I yield back the balance of my time.

Ms. WATERS. Madam Speaker, I rise to oppose the motion.

The SPEAKER pro tempore. The gentlewoman from California is recognized for 5 minutes.

Ms. WATERS. Madam Speaker, I rise almost in disbelief that my friends on the opposite side of the aisle, led by Mrs. BACHMANN, would dare bring to this floor a motion that basically would say to us that the Federal Government cannot direct this issue on Federal property.

We own these public housing authorities. The people who are here live under the rules that we develop for living in public housing. We are confronted with the problem in America, and that problem is, unfortunately, and painfully, we have poor people who are isolated, and they find their power and their strength in the gun.

There are far too many guns raging every night in America in public housing authorities, whether it is Los Angeles or New York or down south.

What you find are young jobless men in gangs who shoot throughout the

night where people are ducking under their beds, afraid to open their doors. Many of these public housing authorities are on main thoroughfares, next to shopping centers, on your way to the airport.

These bullets don't limit themselves to inside these public housing authorities. They could end up shooting people who are passing through the area.

I understand, perhaps, the argument that one would make about constitutional rights. While I disagree with that, I think it is foolhardy and foolish to talk about we don't have the authority to determine what happens on our property.

There are those in this room who would shout down public housing authorities and not give people a place to live at all, because they said there is too much violence, there is too much joblessness, there is too much violence. There are those of us who have worked for years not only to clean up these public housing authorities but to make sure that the people who live there are abiding by the law.

I am in disbelief that anyone could believe it's all right to continue what is happening in America today in many of these public housing authorities where young people are dying. Of course we don't like it. Of course we are appalled at it. We are pained with it. But give me a break. All of us are much more responsible than this motion to recommit would have us believe.

I would yield to the gentleman from Maryland.

Mr. HOYER. I thank the gentlelady for yielding.

Would the gentlelady, the sponsor of the motion to recommit, yield for a question?

Mrs. BACHMANN. Yes.

Mr. HOYER. I thank the gentlelady.

Would the gentlelady agree to make your amendment a forthwith amendment so that it could be voted upon? My presumption is the gentlelady wants the amendment adopted, the gentlelady believes the majority of the House is for it. Would the gentlelady agree to such a unanimous consent?

Mrs. BACHMANN. Madam Speaker, I appreciate the request from the majority leader; however, the answer would be no.

We are aware of this problem, and it's very important that we send this back to the committee so that it will be fixed.

Mr. HOYER. Reclaiming my time, so it's more important to delay it than to adopt it now?

Mrs. BACHMANN. Madam Speaker and Majority Leader, as you know, the important point is that the committee has a chance to look at this measure. They did not have a chance to do so. We want to make sure that they have the opportunity to fix the bill.

□ 1530

Mr. HOYER. Madam Speaker, I ask unanimous consent that the motion to

recommit be amended by substituting the term "promptly" with the term "forthwith."

The SPEAKER pro tempore. The Chair will recognize only the proponent of the motion for such a request.

Ms. WATERS. Madam Speaker and Members, our majority leader just put before us a motion that I think we should all support. It is unreasonable for us to think that somehow we are going to not give this House the opportunity to provide leadership on crime.

There are Members on the opposite side of the aisle who would identify themselves as being law and order people, of wanting to get rid of guns and crime. Well, this is an opportunity to show where you stand. Do you stand with us to keep Americans safe? Do you stand with us to make the rules on Federal property, or are you going to vote us down?

The SPEAKER pro tempore. The gentleman's time has expired.

Pursuant to section 2 of House Resolution 974, further proceedings on H.R. 3521 are postponed.

HONORING ANTHONY "TONY" EUBANKS

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT of South Carolina. Mr. Speaker, Anthony "Tony" Eubanks, professional basketball player, collegiate basketball record holder and two-time All American, during Black History Month, I would like to recognize his efforts as a mentor to our Christian youth in South Carolina.

Through his professional basketball career, Tony was able to travel to the Middle East, Europe, and Argentina. This travel led him to work with youth as a volunteer for Young Life, FCA, and other ministries.

Currently, he now serves as the chaplain of the Clemson Tigers football team and volunteers with FCA on the Clemson campus.

South Carolina is proud to have this citizen who is so truly dedicated to strengthening youth faith. Each day, he contributes to pregame chapels, coaches' Bible study and graduate assistants' Bible studies, and other ministries that continue to make a difference in the lives of athletes, coaches, and the community.

Tony is not only a leader for our youth, but also a strong role model for athletes. He is a true athlete for Christian Ministries.

PASS PROTECT AMERICA ACT NOW

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, the men and women in our intelligence agencies are facing uncertainty. They are telling us this, and that is posing a

very real national security risk to us in our homeland.

Today I rise to encourage this House to close the terrorist loophole for good by passing a bill that would permanently update the Foreign Intelligence Surveillance Act.

The Senate passed this bipartisan bill with 68 votes. The House leadership will not bring it to the floor. They had another opportunity today, and they passed on that opportunity.

Mr. Speaker, time has run out. The Protect America Act has expired. The Democratic leadership of the House has had more than 6 months to tackle this problem. They continue to delay. Let's not delay another day. Let's bring our intelligence capabilities into the 21st century. Let's pass the Protect America Act now.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. KLEIN of Florida). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

REINVESTING TAXPAYER SUBSIDIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ISRAEL) is recognized for 5 minutes.

Mr. ISRAEL. Mr. Speaker, this week the House will vote to reinvest taxpayer subsidies from the most profitable oil companies in the world to the American people in the form of lower gas prices, lower home heating oil costs, and new jobs in clean, renewable technologies.

For 6 years under Republican management, we attempted a strategy to reduce our dependence on foreign oil and to lower gas prices. The strategy was to provide \$14 billion in industry subsidies to the largest oil companies in the world, the most profitable oil companies in the world. So \$14 billion to them, and at the same time the Bush administration submitted budgets to this Congress that actually reduced funding for renewable energies, for energy efficiency, for weatherization, for solar, for hydrogen, for other renewable technologies.